

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

Crl.Rev.Pet.No.672 of 1998

CRL.A.NO.162/1996 OF THE COURT OF THE I ADDITIONAL SESSIONS
JUDGE, THRISSUR.

C.C.NO.43 OF 1996 OF THE COURT OF THE JUDICIAL MAGISTRATE
OF I CLASS-III, THRISSUR.

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PETITIONER/AOOEKKABT/ACCUSED:-

SANTHOSH, S/O.ARENGATTIL DASAN, PEECHI VILLAGE, DESOM,
THRISSUR TALUK.

BY ADV. SRI.K.JAJU BABU.

RESPONDENT/RESPONDENT/COMPLAINANT:-

STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
MANNUTHY (CRIME NO.166/94)

ADDITIONAL RESPONDENT NO.2 IMPLEADED:

KAMALAM, PINAKKATTU,
KERALA AGRICULTURAL UNIVERSITY P.O., THRISSUR.

(ADDITIONAL 2ND RESPONDENT IS IMPLEADED AS PER ORDER
ON CRL.M.APPLN.NO.6491 OF 2006 DATED 12.7.2006)

R1 BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU.
ADDL.R2 BY ADV. SRI.T.RAJASEKHARAN NAIR.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 29/11/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.K.Bali,C.J.

Crl.R.P.No.672 of 1998

Dated, this the 29th day of November, 2006

ORDER

V.K. Bali, CJ. (Oral):

Santhosh, the petitioner herein, has been held guilty under Section 279 of Indian Penal Code and sentenced to undergo simple imprisonment for six months. He has also been held guilty under Section 304-A of Indian Penal Code and sentenced to undergo simple imprisonment for one year. The sentences were ordered to run consecutively, as would be clear from the order dated 25th May, 1996 passed by the Judicial Magistrate of I Class-III, Thrissur. The appeal carried against this order was dismissed by the learned I Additional Sessions Judge, Thrissur, vide order dated 10th August, 1998. It is against these two orders that the revision has been filed.

2. Learned counsel representing the petitioner had urged that the present case may border on a pure and simple accident and rash and negligent driving. He referred to the other circumstances of the case and prayed that the petitioner may not be sent to serve a jail term at this distance of time, the occurrence pertaining to the year 1994. On these contentions, the legal heir of the defacto complainant has been impleaded and

issued notice. She has entered appearance through counsel, who prays that the matter be given quietus if some compensation is paid.

3. The occurrence pertains to the year 1994 and in the manner aforesaid, the petitioner has undergone the agony of protracted trial spanned over a period of 12 years. Considering the facts and circumstances of the case, this Court is of the view that interest of justice would be served if the petitioner instead of serving the jail term, be sentenced to pay compensation. Accordingly, while maintaining the order of conviction against the petitioner, the petitioner is sentenced to pay a compensation of Rs.35,000/- (Rupees thirty five thousand only) to the added 2nd respondent within three months from today.

The Criminal Revision Petition is disposed of as indicated above.

V.K.Bali
Chief Justice

vku/-